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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,376	04/08/2004	Chun-Liang Yeh	U 015142-9	7633
7590	07/11/2005		EXAMINER	
Ladas & Parry 26 West 61st Street New York, NY 10023			NICHOLSON III, LESLIE AUGUST	
			ART UNIT	PAPER NUMBER
			3651	

DATE MAILED: 07/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/820,376

Applicant(s)

YEH, CHUN-LIANG

Examiner

Leslie A. Nicholson III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 4/8/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5 and 10 is/are allowed.
- 6) ☒ Claim(s) 6-9 and 11-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/4/2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This is a first office action on the merits of application 10/820376.

#### ***Oath/Declaration***

2. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

The date of filing on page 4 of 7 of the Declaration and Power of Attorney is typed in as 11/4/2003, however the order to insert the date of filing indicated on this form is day, month, and year, respectively.

#### ***Drawings***

3. The drawings are objected to because:
  - Reference numeral 91 of Fig.5 indicates a part not referenced in the description. According to the description of the drawing (page 7, line 11-12) the feed-in roller is mounted to the roller shaft, but according to Fig.5 the roller shaft that the feed-in roller is mounted to is not referenced while another adjacent shaft is numbered 91. In addition, the description of the transmission unit described as being pictured in Fig.4(A) (page 6, line 19-23) indicates the transmission unit pictured in Fig.4(B), while the description of the transmission unit described as being pictured in Fig.4(B)

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(page 7, line 7-11) indicates the transmission unit pictured in Fig.4(A). The figures should be labeled according to their respective description.

- They fail to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 72(78).
- They fail to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 72(76) and 72. Reference numeral 76 (page 6, line 20 and page 7, line 8) is used to reference both the transmission unit and an alternate transmission unit. Though the embodiments in the figures are assigned two different reference numbers (76 and 72), they must be labeled according to the description of the drawings.
- Under 37 CFR 1.83(a) the drawings must show every feature of the invention specified in the claims. Claim 2 describes a protrusion mounted on one of said spindle member and said stationary seat unit, and a helical groove formed on an outer surface of the other one of said spindle member and said stationary seat unit. The submitted drawings depict a protrusion on the stationary seat unit and a helical groove in the spindle member, but there are no figures depicting a protrusion in the spindle member and a helical groove in the stationary seat unit. Therefore, it must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. Claim 6 is not shown in the drawings. The combination of claim 5 with a toothed belt (i.e., claim 6) is not depicted (see ¶8).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended

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replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

4. The disclosure is objected to because of the following informalities:

In compliance with 37 CFR 1.77(b), each of the headings should appear in upper case, without underlining or bold type.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 6-9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 6 recites an embodiment (i.e., claim 5 in combination with a toothed belt) that is not described in the specification.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 6-9 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 6 appears to be grammatically incorrect because it discloses that the transmission unit of claim 5 includes a toothed belt due to the phrasing "said transmission unit that includes" (claim 6, line 23) and the word "and" (claim 6, line). Perhaps "further including" should replace the word "and". Claim 13 recites "the feeding apparatus further comprising", however, claim 11, which claim 13

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depends on, is a method claim and not a device claim. As written, claim 13 is unclear and does not properly further limit claim 11.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claim 11, 13, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Walker USP 5,265,856. Walker discloses the claimed method in a similar device performing the method steps of, regarding claim 11:

- placing the paper (13A) onto the paper-supporting tray (12) (C1/L12-14)
- flattening the paper on the paper-supporting tray (C2/L3-9).

Regarding claim 13, Walker further discloses the method wherein the feeding apparatus further comprises a paper-flattening device (30) for flattening the paper (C2/L3-9).

Regarding claim 14, Walker further discloses the method wherein the paper moves toward a feeding mouth of the feeding apparatus, and the method further comprising one step of flattening the paper prior to arriving at the feeding mouth of the feeding apparatus (C4/L28-32).

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walker USP 5,265,856 and in view of Toyoshima USP 6,185,403.

Walker discloses all the limitations of claim 11 (see ¶10), but does not disclose the method further comprising the step of sensing the paper on the paper-supporting after the step of placing the paper onto the paper-supporting tray.

Toyoshima teaches a method of sensing the paper (P) on the paper-supporting tray (1) (C8/L47) after the step of placing the paper on the paper-supporting tray (C5/L42-47, 65-67) for the purpose of rotating the feed-in rollers after sensing paper in the paper-supporting tray in order to feed sheets of paper into a feeding apparatus (C4/L16-27).

At the time of invention, it would have been obvious to one having ordinary skill in the art to devise the method of feeding a sheet of paper into a feeding apparatus, including a paper-supporting tray, comprising the steps of placing the paper onto the paper-supporting tray and flattening the paper on the paper-supporting tray, as disclosed by Walker, and further include a step of sensing the paper on the paper-supporting tray after the step of placing the paper onto the paper-supporting tray, as



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taught by Toyoshima, for the purpose of rotating the feed-in rollers after sensing paper in the paper-supporting tray in order to feed sheets of paper into a feeding apparatus.

***Allowable Subject Matter***

13. Claims 1-5 and 10 are allowed over the prior art of record.
14. Claims 6-9 and 13 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 1st and 2nd paragraphs, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
15. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record does not disclose the claimed combinations of claim 1 and 10, the combinations each comprising a stationary seat unit adapted to be mounted on the feeding apparatus adjacent to the paper-supporting tray and a cam unit disposed between and coupling said seat unit and the spindle member.

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**Conclusion**

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie A. Nicholson III whose telephone number is 571-272-5487. The examiner can normally be reached on M-F.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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July 7, 2005

  
GENE O. CRAWFORD  
PRIMARY EXAMINER